

Attorney Docket No.: CJL-0002
Inventors: Isa Odidi and Amina Odidi
Serial No.: 09/765,783
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REMARKS

Claims 1-61 are pending in the instant application. Claims 1-61 have been rejected. Claims 1, 5, 58 and 59 have been amended to correct inadvertent typographical errors. New claim 62 has been added. Support for this claim is provided in throughout the specification and in particular at page 10, lines 8-25. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claims 5-28 under 35 U.S.C. §112 Second Paragraph

Claims 5-28 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular the Examiner suggests that there is no antecedent basis for step (6) in claim 5. Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended claim 5 to correctly recite step "a)". Claim 1 has also been amended to correctly recite step "b)" as opposed to step "d)". No new matter has been added by these amendments and entry is respectfully requested.

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Withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested in light of these amendments.

II. Rejection of Claims 1-61 under 35 U.S.C. §102

In general, the prior art cited by the Examiner is directed to blown foams or self expanding foams. In contrast, the presently claimed method produces syntactic foams which use fabricated bubbles mechanically combined with a resin to form a composite material.

Claims 1-40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fritschel (U.S. 3,856,721). Applicants respectfully traverse this art rejections.

Fritschel is directed to a method for making a cured syntactic foam of homopolymers of butadiene or copolymers of styrene and methyl or ethyl derivative of styrene. The cured syntactic foam contains hollow spheres. The polymeric syntactic foam is made by a two-stage curing process by which a low temperature curing peroxide (curing agent) and a high temperature curing peroxide (curing agent) is added to the polymer and the polymer is first cured at a temperature of 50°F to 150°F until the polymer sets. During this first step of curing a curing

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activator and curing accelerator is also used. The second step of the curing is done at a temperature of 175°F to 375°F at which the higher temperature curing peroxide is effective. This method is a high temperature curing method which uses toxic polymers and curing agents and accelerants to produce a foam.

In contrast, the presently claimed invention as recited in claims 1-40 is directed to a method for preparing a deformable syntactic foam in which the method comprises mixing a homopolymer resin with a binder and stabilizer to a LOD of about 1-10%. To this blended mixture is added an organic solvent and then the mixture is sheared at 10°C to 25°C to form a deformable foam composition. The foam composition may be further milled to form particles and then formed as desired. Fritschel is silent as to each and every limitation of claims 1 and 29 and as such cannot anticipate these claims. Fritschel does not teach the recited combination of a homopolymer resin with binder and stabilizer with a LOD of 1-10% that is further admixed under shear conditions with a solvent to form the syntactic foam. Again, Fritschel uses a high temperature two step curing process involving chemicals used to evolve a self-expanding foam which is not at all encompassed by the present claims.

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As independent claims 1 and 29 are not anticipated by Fritschel, then claims dependent thereon are also not anticipated.

Claims 1-61 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gowan Jr. (U.S. 6,090,401). Applicants respectfully traverse this art rejection.

Gowan Jr. discloses a blown foam created by gas injection. The foam comprises a polymeric foaming agent which is a protein, protein hydrolyzate, cellulose derivative or naturally occurring macromolecule. To this may be added a polysaccharide. The polymeric foaming agent and polysaccharide are each made into a separate solution that is then further admixed with a solvent (preferably water) to form a solution. The solution is aliquoted into weigh boats to form tablets which are then dried. A pharmaceutical may be incorporated into the foam as a liquid or solution that does not collapse the foam. As taught in column 4 of this patent, the foam is prepared by entraining gas such as nitrogen and carbon dioxide to the solution of polymeric foaming agent, polysaccharide and water. Gowan Jr. is silent with respect to the use of any microspheres.

Gowan Jr. does not disclose the use of a homopolymer resin.

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A homopolymer resin is a linked monomer of synthetic or chemically modified natural resins. Further, Gowan Jr. does not disclose the use of a mixture of homopolymer resin, binder and stabilizer having a LOD of 1 to 10% and reacting this mixture with an organic solvent at high shear at a temperature of 10°C to about 25°C. As Gowan Jr. does not disclose each and every element recited in claims 1, 29 and 41 it cannot anticipate the independent claims nor claims dependent therefrom.

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Staab (U.S. 5,393,528). Applicants respectfully traverse this art rejections.

Staab discloses a blown foam film made of a polymer solid, solvent and medicinal that are mixed together and heated for dissolution and formation of a uniform blend (column 7, lines 37-51). To this uniformly blended solution is introduced nitrogen to form a foam with various sized air bubbles trapped in the matrix. The final mixture sets up or gels as a foam. Staab does not teach the use of any microspheres.

Staab does not disclose the use of a mixture of homopolymer resin with binder and stabilizer with a LOD of 1-10% which is then blended with an organic solvent at high shear at 10°C to

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25°C forming a deformable foam. Staab does not teach each and every element recited in the independent claims and therefore cannot anticipate these claims nor claims dependent therefrom.

III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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